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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/446,390 12/21/99 SCHULER

D 10191/1234

EXAMINER

026646
KENYON & KENYON
ONE BROADWAY
NEW YORK NY 10004

MMC1/0618

ART UNIT D

PAPER NUMBER

DATE MAILED: 2824

06/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/446,390

Applicant(s)

SCHULER ET AL.

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/12/01.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-20 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 6 and 10-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 11 and 16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification and drawings do not show the collector/commutator having recesses which function as storage reservoirs for the oil lubricant. This is new limitation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2834

5. Claims 6, 10, 11, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Portail.

Regarding claim 6, Portail shows an electric machine comprising:

- a commutator (1);
- at least one brush (2);
- a supply of oil lubricant (3, 4) for providing lubrication between the commutator and the at least one brush;
- wherein the at least one brush contains the lubricant at least one of: (a) in or on a collector-side end face of the at least one brush, and (b) in or on a partial length of the at least one brush beginning at the collector-side end face of the at least one brush.

Regarding claim 10, Portail shows a brush (2) for an electric machine equipped with a collector (1) comprising:

- * an end surface (between 1 and 2); and
- * a supply of oil lubricant (3, 4) in an area of the end face allocated to the collector.

Regarding claims 11 and 16, it is noted that Portail also shows the collector/commutator having recesses which function as storage reservoirs for the oil lubricant (Figure 4).

6. Claims 15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Vacha.

Art Unit: 2834

Regarding claim 15, Vacha shows an electric machine equip with a collector (16), comprising:

- an end face with a plurality of channels (18); and
- a supply of lubricant (10) in an area of the end face allocated to the collector (16).

Regarding claim 20, Vacha shows an electric machine comprising:

- a commutator (6);
- at least one brush (16), wherein a collector-side end face of the at least one brush has a plurality of channels (18); and
- a supply of lubricant (10) for providing lubrication between the commutator and the at least one brush;
- wherein the at least one brush contains the lubricant at a location which is least one of: (a) in or on a collector-side end face of the at least one brush, and (b) in or on a partial length of the at least one brush beginning at the collector-side end face of the at least one brush. See figure 2.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portail in view of Grunewald et al.

Regarding claims 12 and 17, Portail shows all of the limitations of the claimed invention except for the brush being made from carbon, pressed metal powder or alloys thereof.

Grunewald et al. show the brush (11) being made from carbon, pressed metal powder or alloys thereof for the purpose of increasing brush life hours.

Since Portail and Grunewald et al. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the brush from carbon, pressed metal powder or alloys thereof as taught by Grunewald et al. for the purpose discussed above.

9. Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portail in view of Rogelein.

Regarding claims 13 and 18, Portail shows all of the limitations of the claimed invention except for the brush being protected by a dust guard.

Rogelein shows the brush being protected by a dust guard (29) for the purpose of preventing contamination.

Since Portail and Rogelein are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to protect the brush by a dust guard as taught by Rogelein for the purpose discussed above.

10. Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portail in view of Vacha.

Regarding claims 14 and 19, Portail shows all of the limitations of the claimed invention except for the (collector-side) end face having a plurality of channels.

Vacha shows the (collector-side) end face having a plurality of channels (18) for the purpose of providing lubrication oil.

Since Portail and Vacha are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the (collector-side) end face having a plurality of channels as taught by Vacha for the purpose discussed above.

Information on How to Contact USPTO

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

Application/Control Number: 09/446,390
Art Unit: 2834

Page 6

305-3431 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.



NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

DDL
June 6, 2001

